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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-112**

13 **KATHRYN KELLER BIDDLE**
14 **aka KATHRYN KELLER HUDSON**
15 **716 Crespi Drive**
Pacifica, CA 94044

ACCUSATION

16 **Registered Nurse License No. 340849**
17 **Nurse Practitioner Certificate No. 5031**
18 **Nurse Practitioner Furnisher Certificate No.**
5031
19 **Public Health Nurse Certificate No. 42952**

20 Respondent.

21
22 Complainant alleges:

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
25 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
26 of Consumer Affairs.

27 2. On or about March 31, 1982, the Board of Registered Nursing issued Registered
28 Nurse License Number 340849 to Kathryn Keller Biddle, aka Kathryn Keller Hudson

1 ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant to
2 the charges brought herein and will expire on November 30, 2011, unless renewed.

3 3. On or about August 24, 1989, the Board of Registered Nursing issued Nurse
4 Practitioner Certificate Number 5031 to Respondent Kathryn Keller Biddle, aka Kathryn Keller
5 Hudson. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the
6 charges brought herein and will expire on November 30, 2011, unless renewed.

7 4. On or about May 12, 1993, the Board of Registered Nursing issued Nurse Practitioner
8 Furnisher Certificate Number 5031 to Respondent Kathryn Keller Biddle, aka Kathryn Keller
9 Hudson. The Nurse Practitioner Furnisher Certificate was in full force and effect at all times
10 relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

11 5. On or about February 2, 1988, the Board of Registered Nursing issued Public Health
12 Nurse Certificate Number 42952 to Respondent Kathryn Keller Biddle, aka Kathryn Keller
13 Hudson. The Public Health Nurse Certificate was in full force and effect at all times relevant to
14 the charges brought herein and will expire on November 30, 2011, unless renewed.

15 JURISDICTION

16 6. This Accusation is brought before the Board of Registered Nursing ("Board"),
17 Department of Consumer Affairs, under the authority of the following laws. All section
18 references are to the Business and Professions Code unless otherwise indicated.

19 7. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
20 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
21 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
22 Nursing Practice Act.

23 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
24 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
25 licensee or to render a decision imposing discipline on the license.

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1 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
2 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
3 communication with the client and health team members, and modifies the plan as needed.

4 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
5 health care or to change decisions or activities which are against the interests or wishes of the
6 client, and by giving the client the opportunity to make informed decisions about health care
7 before it is provided."

8 COST RECOVERY

9 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licensee found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 FACTUAL BACKGROUND

14 13. Respondent at all relevant times was employed at The Permanente Medical Group
15 ("Kaiser") in Daly City where as a Nurse Practitioner she provided prenatal care to pregnant
16 Kaiser patients.

17 14. Patient M.C. ("M.C.") began prenatal care with Kaiser in June 2002. Her pap smear
18 on June 4, 2002, was reported to be abnormal with the pathologist noting "atypical squamous
19 cells of undetermined significance."

20 15. M.C. was screened for the human papillomavirus ("HPV") on July 8, 2002. Test
21 results indicated that she had one or more of the "high risk" HPV's associated with cervical
22 cancer.

23 16. Respondent first provided care to M.C. on August 2, 2002. There was no
24 documentation that she informed M.C. of the HPV test results and/or discussed an appropriate
25 follow-up plan of care.

26 17. On September 4, 2002, Respondent provided prenatal care to M.C., who was then
27 almost 25 weeks pregnant. There was no documentation that she informed MC of the HPV test
28 results and/or discussed an appropriate follow-up plan of care.

18. On October 4, 2002, Respondent provided prenatal care to M.C., who was then 28 weeks pregnant. This was the last prenatal visit Respondent had with M.C. There was no documentation at this visit that Respondent informed MC of the HPV test results and/or discussed an appropriate follow-up plan of care.

19. On January 2, 2003, M.C. delivered her infant. On February 5, 2003, she had a cervical biopsy done at Kaiser. She was diagnosed with invasive cancer and died within one year of the diagnosis.

FIRST CAUSE FOR DISCIPLINE

(Incompetence - Failure to Advise Patient of Abnormal Test Results)

20. Respondent is subject to disciplinary action for incompetence under Code section 2761, subdivision (a)(1) and title 16, section 1443 of the Code of Regulations, in that she failed to ensure that M.C. was advised of her "high risk" HPV results as set forth above in paragraphs 13 through 19.

SECOND CAUSE FOR DISCIPLINE

(Incompetence - Failure to Inform Patient of Follow-Up Plan of Care)

21. Respondent is subject to disciplinary action for incompetence under Code section 2761, subdivision (a)(1) and title 16, section 1443 of the Code of Regulations, in that she failed to collaborate with M.C. to develop an appropriate follow-up plan of care given that she had a high risk type of HPV as set forth above in paragraphs 13 through 19.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 340849, issued to Kathryn Keller Biddle, aka Kathryn Keller Hudson.

2. Revoking or suspending Nurse Practitioner Certificate Number 5031, issued to Kathryn Keller Biddle, aka Kathryn Keller Hudson.

3. Revoking or suspending Nurse Practitioner Furnisher Certificate Number 5031, issued to Kathryn Keller Biddle, aka Kathryn Keller Hudson.

1 4. Revoking or suspending Public Health Nurse Certificate Number 42952, issued to
2 Kathryn Keller Biddle, aka Kathryn Keller Hudson.

3 5. Ordering Kathryn Keller Biddle, aka Kathryn Keller Hudson to pay the Board of
4 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
5 pursuant to Business and Professions Code section 125.3.

6 6. Taking such other and further action as deemed necessary and proper.
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9 DATED: _____

8/9/10

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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